The Planning Inspectorate

APPENDIX B

Appeal Decision

Site visit made on 6 October 2014

by P Willows BA DipUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 October 2014

Appeal Ref: APP/P3420/A/14/2222484
48 High Street, Rookery, Stoke-on-Trent ST7 4RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Phillip Lomas against the decision of Newcastle-Under-Lyme Borough Council.
- The application Ref 14/00274/FUL, dated 7 April 2014, was refused by notice dated 10 June 2014.
- The development proposed is the construction of a new detached house on land adjacent 48 High Street, Rookery.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a new detached house on land adjacent 48 High Street, Rookery at 48 High St, Rookery, Stoke-on-Trent ST7 4RL in accordance with the terms of the application, Ref 14/00274/FUL, dated 7 April 2014, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans, dated 7 April 2014: 1, 2, 3, 4, 5, 6, 7 and 8.

   3) Prior to the development being brought into use, the existing front boundary wall shall be reduced to a height of not more than 600mm above the carriageway. The wall shall thereafter be maintained at that height throughout the lifetime of the development.

   4) The development shall not be brought into use until the proposed access and parking provision have been provided in accordance with the approved plans. The access and parking provision shall be retained and the access shall remain ungated throughout the lifetime of the development.

   5) The development shall not be brought into use until a surface water drainage interceptor, connected to a surface water outfall, has been provided across the access immediately to the rear of the highway boundary.

Main Issues

2. The site falls within Green Belt. Accordingly, the main issues are:

   - Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
   - The effect of the development on the openness and character of the Green Belt; and
   - If the development is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

The development plan

3. The development plan is composed of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the Newcastle-under-Lyme Local Plan 2011. However, the Council does not rely on development plan policies in this instance. Although Local Plan Policy S3 concerns development in the Green Belt, it predates the National Planning Policy Framework (the Framework) and, as the Council accepts, is not consistent with it. Accordingly, the proposal must be considered with regard to the approach to the Green Belt set out in the Framework.

Whether the proposal is inappropriate development within the Green Belt

4. The Framework advises at Paragraph 89 that, other than in the case of a number of specified exceptions, the construction of new buildings should be regarded as inappropriate in Green Belt. One of these exceptions is, 'limited infilling in villages'.

5. The Council does not consider that this exception applies, arguing that the site is not within a village. However, Rookery (or 'The Rookery') appears to me to be an identifiable settlement of some substance, with a range of dwellings and facilities including a shop, fish and chip shop, pub and hairdressers. Although it now partly adjoins a wider urban area, historical maps show how it has evolved from a free-standing settlement. It is plainly smaller than a town but, in my judgement, is more than a hamlet. Overall, I see no reason to regard it as anything other than a village. The fact that it is not specifically identified in the development plan as a village is of less relevance than its physical characteristics in my view.

6. The site is some distance from the urban area defined by the Local Plan and the land opposite is countryside. Yet the appeal site lies within a continuous line of development that runs along one side of High St from the core of the village. Consequently, it should properly be regarded as part of the village in my view.

7. The proposal is for a single house on a modest plot, with existing dwellings to either side, within a lengthy run of ribbon development. Accordingly, the proposal amounts to limited infilling.

8. With these matters in mind, I conclude that the exception I have highlighted applies in this case. Consequently, in accordance with Paragraph 89 of the Framework, the proposal is not inappropriate development within the Green Belt. It is not, therefore, necessary to consider the question of whether there are very special circumstances in this instance.

Openness and character

9. The creation of a new dwelling on this site would have an effect on its openness and hence on the openness of the Green Belt as a whole. The Framework advises that openness is an essential characteristic of Green Belts[1]. However, the proposed house would replace a large detached garage which already gives the impression of a developed site. Thus, the loss of openness and associated harm would be quite limited.

10. The development would be seen within the context of the ribbon of development to either side, and would appear entirely appropriate within this setting. The character of the area would therefore not be harmed.

Other considerations

11. The development would provide a new house, which would be capable of providing accommodation for a family. This is a significant benefit of the scheme. The Framework seeks to significantly boost the supply of housing[2].

12. The building would be set back in relation to No 48 but sited forward of No 48a, to the other side. It would also be a much higher building than No 48a, which is a bungalow. However, the slope of the land would counteract the height differential to an extent. Furthermore, the building would be set in a little from the boundary to No 48a and the staggered elevation it would present to that side would break up the bulk of the building. As a consequence, the proposed house would not be unduly overbearing or cause undue overshadowing in relation to No 48a or its garden. The garden serving the proposed building and the area retained for No 48 would be adequate.

13. I have noted the concerns raised regarding car parking at the existing and proposed properties. However, 2 spaces would be provided to serve the proposed dwelling. While the existing No 48 would lose its current parking provision, the road widens in front of the property so that, if on-street parking were to occur, it would not create an undue hazard or restrict the flow of traffic in my view. I note also that there is apparently scope to create off-street parking space within the remaining plot serving No 48.

Conclusion

14. Considering the proposal as a whole, I conclude that the limited harm to the openness of the Green Belt is outweighed by the benefit of the new home that would be provided. I therefore conclude that the appeal should be allowed. I have attached a condition specifying the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to the height of the boundary wall is necessary in the interests of highway safety, although I am not persuaded that land within the site needs to be similarly controlled. For

[1] Para 79
[2] Para 47

the same reason, I have also imposed conditions concerning the provision, retention and drainage of the access and parking area.

15. The Council has suggested a condition concerning parking provision at No 48. However, there is no specific proposal before me and I am not satisfied that such a condition would be sufficiently precise, as required by the Framework.[3] As noted above, I am not persuaded that a lack of parking for the existing dwelling would cause undue difficulties.

Peter Willows

INSPECTOR

[3] Para 206